

The crime of habitual drunkenness under s. 360 of the Criminal Code

SUMMARY

The purpose of my thesis is to analyze the crime of drunkenness under valid and effective law. The offense of drunkenness is regulated in the sec. 360 of the Criminal Code (40/2009 Coll.). In the introduction to my thesis I put forward current issues, which I wish to research in my work and mention several particular questions, which I wish to answer of all things. My thesis consists of eight chapters:

In the first chapter, the basic issues, I generally introduce the matter of the offense of drunkenness, then I zoom on several theoretical ways of treatments of the culpable insanity and finally, I try to place the offense in a context of the Czech criminal law and its relations to whole legal system.

The second chapter is dedicated to the development of the offense of drunkenness in this country. Most interesting point to see is, how much theoretical modifications and their variants followed during the time and how they interacted and influenced each other.

In the third chapter, which is the most comprehensive part of my thesis, I analyze the facts of the crime of drunkenness. I define its key terms and details related to the features, which characterize the offense. This chapter describes close quasidelict to a greater details and mention the the most common quasidelicts. This chapter consists of five parts.

The fourth chapter describes the possibilities of preparation, attempt, complicity and participation in the offense of drunkenness, I gradually analyze, which kinds of cooperation are possible.

The fifth chapter is dedicated to institute an *actio libera in causa*. This chapter is divided into two parts: first is dedicated to the *actio libera in causa dolosa*, the second part to the *actio libera in causa culposa*.

The sixth chapter tracts about criminal penalties and certain aspects of the criminal proceedings. It is divided into two parts, the first part look at the penalties and protective measures. In the second part I particularly describe specialties of criminal proceedings related to with the offense of drunkenness.

In the chapter seven I focused on questions related to the most used of addictive substances in the Czech Republic, the alcohol, still the major of leading factors in the crime ratings. Problems of alcohol abuse are major issues not only for criminal law, but remains clearly being a problem with wide social consequences.

In chapter eight I compare my goals with achieved result. In final, I consider the present legal sanction to be most problematic point of current construction. In view with all relations of my work the sanction seems to be unreasonably high, I would clearly welcome a change of sanction, which would result that a committed the offense would never go to level of crime including all proceeding relations to it (which I pointed out in my work).